

7339. Adulteration and misbranding of Beekom, Beekom-Plus, and Balnutrite. U. S. v. 7 Packages of Beekom, 8 Packages of Beekom-Plus, and 2 Packages of Balnutrite. Default decree of condemnation and destruction.
(F. D. C. No. 10850. Sample Nos. 43003-F, 43004-F, 43006-F.)

LIBEL FILED: November 8, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about May 20 and July 15, 1943, by Agnus Dayee, from Hollywood, Calif.

PRODUCT: 7 packages, each containing 100 tablets, of Beekom; 8 packages, each containing 100 tablets, of Beekom-Plus; and 2 packages, each containing 180 mineral tablets and 30 vitamin perles, labeled in part "Balnutrite."

Examination of samples showed that the Beekom was more than 50 percent deficient in vitamin B₁, 70 percent deficient in vitamin C, and 50 percent deficient in riboflavin (vitamin B₂); that the Beekom-Plus was more than 50 percent deficient in vitamin B₁, 75 percent deficient in vitamin C, 45 percent deficient in niacin amide, and 65 percent deficient in riboflavin; and that the Balnutrite was more than 50 percent deficient in vitamin B₁, 75 percent deficient in riboflavin, 90 percent deficient in vitamin C, and 80 percent deficient in iodine.

VIOLATIONS CHARGED: Beekom, adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, vitamin C, and riboflavin (vitamin B₂) had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the statements on the label, "one tablet three times daily, supplies Vitamin B₁ . . . 1,500 Int'l Units Vitamin B₂ (G) . . . 2,000 Gammas * * * Vitamin C . . . 600 Int'l Units," were false and misleading since the article contained less vitamin B₁, vitamin C, and vitamin B₂ than it was represented to contain; and, Section 403 (j), the article purported to be a food for special dietary uses by reason of its content of vitamin B₁, calcium pantothenate, filtrate factor, and biotin, but its label failed to bear, as required by the regulations, a statement of the quantity of filtrate factor and biotin furnished by a specified quantity of the article when consumed as directed during a period of 1 day, and the statement that the need for vitamin B₁, calcium pantothenate, filtrate factor, and biotin in human nutrition has not been established.

Beekom-Plus, adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, vitamin C, niacin amide, and riboflavin had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the statements on the label, "one tablet three times daily supplies Vitamin B₁ . . . 3,000 Int'l Units Vitamin B₂ (G) . . . 3,150 Gammas * * * Niacin Amide . . . 20,000 Gammas * * * Vitamin C . . . 600 Int'l Units," and "our suggested daily intake supplies: All or more of the minimum daily requirements of Vitamins B₁, B₂, and C. Requirements of other vitamin potencies have not been established," were false and misleading since the article contained less vitamin B₁, vitamin C, niacin, and riboflavin than it was represented to contain; and, Section 403 (j), the article purported to be a food for special dietary uses by reason of its content of vitamin B₁, vitamin B₂, vitamin B₃, niacin amide, pantothenic acid, vitamin C, vitamin E, and filtrate factor, but its label failed to bear, as required by the regulations, a correct statement of the proportion of the minimum daily requirements of vitamins B₁, B₂, and C furnished by a specified quantity of the article when consumed as directed during a period of 1 day, and the statement that the need for pantothenic acid, vitamin B₁, vitamin E, and filtrate factor in human nutrition has not been established.

Balnutrite, adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁, riboflavin, vitamin C, and iodine, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (2), the statements on the label, "Suggested Intake * * * 1 Vitamin Perle Daily Supplies * * * 925 Int'l Units B₁ 600 Int'l Units C * * * 2100 Gammas G-B₂," and "Suggested Usage * * * 3 Mineral Tablets Twice Daily The six tablets furnish the following Mineral Factors: * * * Iodine * * * 1 Mg. * * * The daily suggested intake supplies all or more of the minimum adult daily requirement of Vitamins: * * * B₂ (G), C * * * plus the minerals: * * * Iodine," were false and misleading since the article contained less vitamin B₁, vitamin C, riboflavin, and iodine than it was represented to contain; and certain statements in a circular entitled "Streamlined Food for a Streamlined Age," which was enclosed in the shipping carton with the article, were false and misleading since they exaggerated the need for vitamin and mineral supplementation of the ordinary diet, and suggested that the product would be of value in the treatment of mineral deficiency diseases,

anemia, and faulty elimination, and that it would provide nutritional elements not readily available from ordinary food, whereas the article was not capable of fulfilling the promises stated or implied, and would not provide nutritional elements which could not easily be obtained from ordinary foods.

DISPOSITION: December 14, 1943. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7340. Misbranding of calcium pantothenate tablets. U. S. v. 1 Carton of Calcium Pantothenate. Default decree of condemnation and destruction. (F. D. C. No. 13367. Sample No. 71064-F.)

LIBEL FILED: August 25, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about May 5, 1944, by the Freshman Vitamin Co., from Detroit, Mich.

PRODUCT: 1 carton containing 9,900 tablets of calcium pantothenate, at Portland, Oreg.

LABEL, IN PART: (Carton) "Control 2172 10,000 100 Improved 'Calpans' Calcium Pantothenate with Vitamin B₁ Each tablet contains 10 Mgm. (10,000 Micrograms) Calcium Pantothenate 333 USP Units Vitamin B₁."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), (1) the label statements, " * * * may prevent premature graying of the hair if caused by a lack of Calcium Pantothenate, a factor of the Vitamin B Complex," and "Clinical experiments have shown darkening of the hair in some cases, in 1 month's time, others ranged from 3 months to 1 year," were false and misleading since neither calcium pantothenate nor a product of the composition declared on the label would prevent graying of the hair, restore color to, or cause darkening of gray hair; and (2) the following label statement, "Standards * * * for Calcium Pantothenate (a component of Vitamin B Complex) have not been definitely established as yet. Scientific research continues," was misleading in that it failed to reveal the material fact that not even the need for calcium pantothenate in human nutrition has been established; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its calcium pantothenate content, and its label failed to bear, as the regulations require, a statement that the need for calcium pantothenate in human nutrition has not been established.

DISPOSITION: October 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7341. Misbranding of calcium pantothenate tablets. U. S. v. 1 Drum, 175 Bottles, 220 Bottles, and 32 Bottles of Calcium Pantothenate Tablets. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 13787. Sample Nos. 75580-F, 75581-F.)

LIBEL FILED: September 12, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 2, 1944, by Strong, Cobb and Co., from Cleveland, Ohio.

PRODUCT: 1 unlabeled drum containing approximately 55,000 calcium pantothenate tablets, 175 bottles, each containing 100 tablets, 220 bottles, each containing 35 tablets, and 32 bottles, each containing 180 tablets, at Pittsburgh, Pa.

The product, when shipped, was packaged in drums labeled in part as indicated below.

LABEL, IN PART: "Calcium Pantothenate Tablets * * * Recommended Adult Dose: One tablet daily, as a dietary supplement. Minimum daily human requirements have not as yet been established."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statement, "Minimum daily human requirements have not as yet been established," was misleading in that it suggested that the need for the product in human nutrition has been established, although the amount needed daily has not; and, Section 403 (j), the article was represented as a food for special dietary use by reason of its calcium pantothenate content, but its label failed to bear, as required by the regulations, a statement that the need for calcium pantothenate in human nutrition has not been established.

DISPOSITION: September 27, 1944. David B. Shakarian, Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.